

**REMARKS**

Claims 1, 7 - 8, 20, 26 - 27, 39, and 45 - 46 have been amended. Claims 58 and 60 - 61 have been cancelled from the application without prejudice. Claims 62 - 75 have been added. No new matter has been introduced with these amendments or added claims, which are supported in the specification as originally filed. Claims 1, 7 - 8, 20, 26 - 27, 39, 45 - 46, 59, and 62 - 75 are now in the application.

I. Rejection Under 35 U.S.C. §103(a)

Paragraph 4 of the Office Action dated January 2, 2004 (hereinafter, "the Office Action") states that Claims 1, 7 - 8, 20, 26 - 27, 39, 45 - 46, and 58 - 59 are rejected under 35 U.S.C. §103(a) as being unpatentable over Daly et al. (U. S. Patent 5,878,141) in view of Bezos et al. (U. S. Patent 6,029,141). This rejection is respectfully traversed.

Paragraph 4 of the Office Action admits that Daly does not teach gathering context information, including this information in a payment protocol message, and so forth, and then states that Bezos teaches these limitations.

Applicant's invention differs from Bezos' teachings in a number of ways, as described below. In addition, amendments to Applicant's independent claims have been made herein to more clearly specify limitations of Applicant's invention.

Bezos teaches including referral links in Web site content, such that a user clicking on one

Serial No. 09/469,007

-14-

Docket RSW9-99-080

of those referral links is then automatically presented with information from a merchant's Web site. See, for example, Fig. 6 and the referral link shown therein at reference number 608. Event "C" in Fig. 5 represents the user clicking the link and event "D" represents transmission of the resulting HTTP GET request to the merchant site 106. The message sent at event D carries the referral information. See the description of event "E" in the legend of Fig. 5, explaining that the HTTP message (i.e., from event D) is parsed to find various information which includes a store ID (i.e., as identifier of the referring associate). See also col. 2, lines 1 - 3 ("... referral information that is transmitted ... when a user ... clicks on the referral link"). It will be appreciated that viewing information about a product and paying for the product are separable events/actions. Notably absent from event D is any information about how the user will pay for this item, if the user ever decides to buy it. Therefore, event D cannot be considered a "payment" message. Instead, Bezos teaches that the referral information sent with event D is used for referral credit "if the customer subsequently purchases" (emphasis added) and may be used in this manner (i.e., to give referral credit) even if the user never makes any purchase. See col. 7, lines 30 - 36, where this is discussed. (A number of other references to using the referral information for a "subsequent" purchase are also found in Bezos.)

Applicant's invention, by contrast, sends TV context information in payment messages. In the 4-party scenario depicted in Fig. 3, the TV context information is first sent in an authorization request message from the consumer to the issuer (message 310). It is returned to the consumer in the authorization response message 315 that the issuer sends to transmit the authorization token. The consumer then forwards this information to the merchant at 320, and the merchant includes

this forwarded information when sending a capture request 325 to the acquirer. In the 3-party scenario shown in Fig. 4, the TV context information is first sent in purchase request 410, from the consumer to the merchant, and the merchant includes it when sending the capture request 435 to the acquirer. These flows have been described in more detail in Applicant's response dated October 28, 2003 (hereinafter, "Applicant's previous response"), which is hereby incorporated herein by reference).

As discussed in Applicant's previous response, Bezos teaches that his referral processing is performed at the merchant site. Page 12, lines 16 - 17 of Applicant's previous response referred to sending information

to a bank (or the bank's gateway). This latter entity is referred to in the claims as a "payment processor".

Paragraph 2 of the Office Action states that only Claim 58 "disclose[s] the location of the payment processor". Applicant intended the term "bank" as a convenient example in the cited text from Applicant's previous response, and apologizes for any confusion. Applicant's amended independent claims use the term "acquirer" when discussing the payment allocation. See, for example, Figs. 5 and 6 and their corresponding text, where this acquirer is discussed.

Applicant's independent Claims 1, 20, and 39 have been amended herein to particularly specify limitations of the 4-party scenario. Added independent Claims 72, 74, and 75 specify limitations of the 3-party scenario. Applicant respectfully submits that the claims as currently presented contain limitations not disclosed by the cited references. For example, the references

Serial No. 09/469,007

-16-

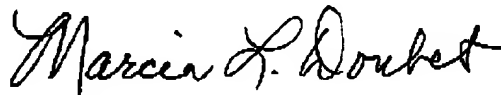
Docket RSW9-99-080

do not teach including TV context information "when requesting authorization of payment ... for said transaction", as in independent Claims 1, 20, 39, and 71; or including this information in a message that "triggers payment processing for said transaction" when received by a merchant, as in independent Claims 72, 74, and 75. In view of these novel features of the independent claims, Applicant's dependent claims are deemed patentable over the cited references as well. The Examiner is therefore respectfully requested to withdraw the §103(a) rejection.

II. Conclusion

Applicant respectfully requests reconsideration of the pending rejected claims, withdrawal of all presently outstanding rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,



Marcia L. Doubet  
Attorney for Applicant  
Reg. No. 40,999

Cust. Nbr. for Correspondence: 25260  
Phone: 407-343-7586  
Fax: 407-343-7587